

THE LAW OFFICE OF

ELISA HYMAN, P.C.

February 15, 2023

VIA ECF

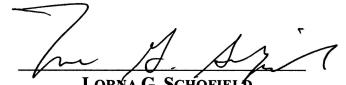
Honorable Lorna G. Schofield, U.S.D.J.  
United States District Court  
500 Pearl St.  
New York, New York 10007

Application **GRANTED**. The initial pretrial conference is adjourned from February 22, 2023, to **March 8, 2023 at 4:10 P.M.** The conference will be telephonic and will take place on the following line: 888-363-4749; access code: 558-3333. The parties shall submit the joint letter and proposed case management plan no later than **March 1, 2023**. No further extensions will be granted absent a showing of compelling circumstances. So Ordered.

Dated: February 16, 2023

New York, New York

Re: D.E.-A. et al. v. N.Y.C. Dep't of Educ., et al., 22-cv-10364

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

I represent the Plaintiffs in the above-referenced case and write to respectfully request an adjournment of the initial conference currently scheduled for February 22, 2023. ECF No. 6. For the reasons set forth herein, Plaintiffs are requesting that (a) the conference be set for a time on or after March 1, 2023, at the Court's convenience; (b) the conference be by telephone; and (c) the deadline for the CMP not be set before February 27, 2023.

Plaintiff D.E.-A. is the mother of A.A., a young woman diagnosed with autism spectrum disorder as well as anxiety and depressive disorders. A.A. was a student who required a residential program to receive a free and appropriate public education ("FAPE") as required by the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400 *et seq.* Her mother, D.E.-A., had filed an impartial hearing under the IDEA and had obtained compensatory education for A.A. Here, D.E.-A. alleges, *inter alia*, that the New York City Department of Education ("DOE"), Chancellor David Banks and the New York City Board of Education ("BOE") (collectively "Defendants" or "DOE") had failed to implement that order. In addition, she is seeking an extension of time to use the services due to COVID-19. Among other things, Plaintiff seeks declaratory and injunctive relief, equitable relief, and compensatory education, as well as attorneys' fees.

Defendants requested, on consent, and were granted two extensions of time to file their answer, which is currently due on February 24, 2023, after the initial conference. ECF Nos. 6-10. Thus, we believe an initial conference is premature prior to Defendants' answer. More importantly, however, I am out of the office the week of February 20, 2023, because I will be recovering from eye surgery.<sup>1</sup>

There are some potentially time-sensitive issues in this case, as A.A.'s compensatory education bank will expire in June 2023. In light of the above, Plaintiffs respectfully request that

<sup>1</sup> Erin O'Connor, who is Of Counsel to my firm and works with me on our federal docket, will also be out of the country that week.

the initial conference and corresponding CMP be adjourned to a time on or after March 1, 2023, at the Court's convenience. Plaintiffs are also requesting that (a) the conference be by telephone; and (b) the deadline for the CMP not be set before February 27, 2023, to ensure that both myself and Ms. O'Connor are back in the office.

This is the Plaintiffs' first request for an adjournment of the initial conference and extension of time to submit a proposed case management plan. No other deadlines would be affected if the Court grants the parties' request for adjournment and extension of time. Defendants' counsel has consented to this request.

Thank you for Your Honor's consideration of this request.

Respectfully Submitted,  
THE LAW OFFICE OF ELISA HYMAN,  
P.C.

/s/

By: \_\_\_\_\_

Elisa Hyman, Esq.,  
*Counsel for Plaintiffs*

cc: David Thayer, Esq., *Counsel for Defendants*, via ECF